

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Code of Civil Procedure is amended by changing Section 2-402 as follows:

(735 ILCS 5/2-402) (from Ch. 110, par. 2-402)

(Text of Section WITHOUT the changes made by P.A. 89-7,
which has been held unconstitutional)

Sec. 2-402. Respondents in discovery. The plaintiff in any civil action may designate as respondents in discovery in his or her pleading those individuals or other entities, other than the named defendants, believed by the plaintiff to have information essential to the determination of who should properly be named as additional defendants in the action.

Persons or entities so named as respondents in discovery shall be required to respond to discovery by the plaintiff in the same manner as are defendants and may, on motion of the plaintiff, be added as defendants if the evidence discloses the existence of probable cause for such action.

A person or entity named a respondent in discovery may upon his or her own motion be made a defendant in the action, in which case the provisions of this Section are no longer applicable to that person.

A copy of the complaint shall be served on each person or entity named as a respondent in discovery.

Each respondent in discovery shall be paid expenses and fees as provided for witnesses.

A person or entity named as a respondent in discovery in any civil action may be made a defendant in the same action at any time within 6 months after being named as a respondent in discovery, even though the time during which an action may otherwise be initiated against him or her may have expired

during such 6 month period. An extension from the original 6-month period for good cause may be granted only once for up to 90 days for (i) withdrawal of plaintiff's counsel or (ii) good cause. Notwithstanding the limitations in this Section, the court may grant additional reasonable extensions from this 6-month period for a failure or refusal on the part of the respondent to comply with timely filed discovery.

The plaintiff shall serve upon the respondent or respondents a copy of the complaint together with a summons in a form substantially as follows:

"STATE OF ILLINOIS

COUNTY OF

IN THE CIRCUIT COURT OF COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

(or, In the Circuit Court of the Judicial Circuit)

.....

Plaintiff(s),

v.

No.

.....

.....,

Defendant(s),

and

PLEASE SERVE:

.....

.....,

Respondent(s) in Discovery.

SUMMONS FOR DISCOVERY

TO RESPONDENT IN DISCOVERY:

YOU ARE HEREBY NOTIFIED that on, 20....., a complaint, a copy of which is attached, was filed in the

above Court naming you as a Respondent in Discovery. Pursuant to the Illinois Code of Civil Procedure Section 2-402 and Supreme Court Rules 201 et. seq., and/or Court Order entered on, the above named Plaintiff(s) are authorized to proceed with the discovery of the named Respondent(s) in Discovery.

YOU ARE SUMMONED AND COMMANDED to appear for deposition, before a notary public (answer the attached written interrogatories), (respond to the attached request to produce), (or other appropriate discovery tool).

We are scheduled to take the oral discovery deposition of the above named Respondent,, on, 20..., at the hour of a.m./p.m., at the office, Illinois, in accordance with the rules and provisions of this Court. Witness and mileage fees in the amount of are attached (or)

(serve the following interrogatories, request to produce, or other appropriate discovery tool upon Respondent, to be answered under oath by Respondent,, and delivered to the office of, Illinois, within 28 days from date of service).

TO THE OFFICER/SPECIAL PROCESS SERVER:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement or affidavit of service and fees and an endorsement or affidavit of payment to the Respondent of witness and mileage fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

WITNESS,

.....

Clerk of Court

Date of Service:, 20...

(To be inserted by officer on copy left
with Respondent or other person)

Attorney No.

Name:

Attorney for:

Address:

City/State/Zip:

Telephone:".

This amendatory Act of the 94th General Assembly applies to
causes of action pending on or after its effective date.

(Source: P.A. 86-483.)